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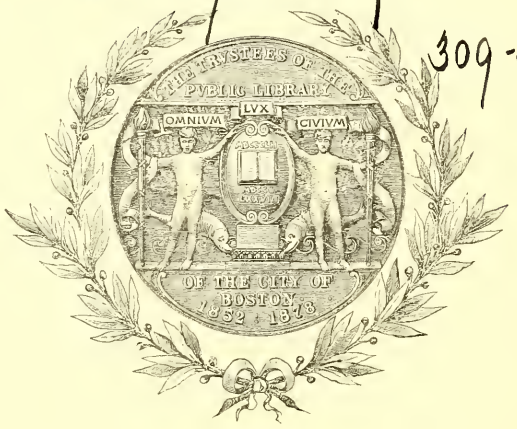

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WHY CHILD LABOR LAWS?

UBLICATION NO. 313

Publication No. 313—
1946

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JUL 16 1946

An advertisement like this caused no comments 100 years ago. Oppressive child labor was commonplace.

Romer.

Also in the offing, 2 brigs and 3 schooners. Wind N. N. W.

Cleared, brig Amazon, Denison, Saybrook; schooner Sally, Johnson, Trinidad; Lydia Weeks, Boston; Rover, Bass, Liverpool, N. S.; Clarissa-Ann, Beckle, Halifax.

FEDERAL GAZETTE.

MONDAY, JANUARY 4.

The Machine for ascertaining Longitude is now ready, for drawing the first Meridians where it will be exhibited at the coffee-house at 6 o'clock, this evening—all who feel an interest in the discovery, may be gratified by attending.

TIMOTHY KIRK.

Baltimore Cotton Manufactory

This Manufactory will go into operation, in all this month, where a number of boys and girls from 8 to 12 years of age are wanted, to whom constant employment and encouraging wages will be given: also, work will be given out to women at their homes, and WIDOWS, will have the preference in all cases, where work is given out, and satisfactory recommendations will be expected.

This being the first essay of the kind, in this city, it is hoped that those citizens having a knowledge of families who have CHILDREN destitute of employ, will do an act of Public benefit, by directing them to this institution.

Applications will be received by Thomas White, at the Manufactory near the Friend's Meeting-house, Old-Town, or by the subscriber.

ISAAC BURNESTON,
No. 196, Market-street.

January 4. d1m

Cotton & Woollen Manufactories

At a meeting of the citizens desirous of promoting the establishment of Cotton and Woollen Manufactories, held at the Merchants' Coffee House on Saturday Evening, agreeably to a notice in the several newspapers, a committee was appointed to meet at the same place on Wednesday next, the 6th instant, at six o'clock in the Evening, for the purpose of receiving such communications as any of the citizens, acquainted with the theory or practice of either of the above branches, may think proper to make to them and to make report thereof to a general meeting of the citizens to be held at the Merchants' Coffee-House, on Saturday, the 9th instant at 6 o'clock in the Evening.

All persons having any knowledge of, or information concerning the above branches, are respectfully invited either to meet the committee at the time above mentioned, and

WHY CHILD LABOR LAWS?

by **LUCY MANNING,** Consultant in Child Labor Standards

What is child labor?

Child labor is the employment of boys and girls when they are too young to work for hire, or when they are employed at jobs unsuitable or unsafe for children of their ages, or under conditions injurious to their welfare. It is any employment that robs them of their rightful heritage of a chance for healthful development, full educational opportunities, and necessary playtime. It does not mean the school activities of boys and girls nor does it include their home chores and duties.

Why are child-labor laws needed?

Child-labor laws are needed to make sure that boys and girls have sufficient time for schooling and recreation. The loss of schooling for the child who goes to work at an early age is one of the serious results of child labor. It will directly affect his ability, when he is grown, to make a living and to take an intelligent part in community life. Lack of recreation and play time in a child's growing years also limits his well-rounded development.

Child-labor laws also are needed to prevent work of children at unsuitable ages or under undesirable conditions, for excessive hours or at night, at tasks too heavy for their strength or at jobs that may result in injury, or at jobs that may retard their physical development or be injurious to their health. Laws preventing child labor, like other laws for the protection of workers, help to improve working and living conditions for all the people.

Child-labor legislation alone will not get rid of child labor. It is only one step toward such a goal. Means must also be found to prevent the causes of child labor and to provide educational opportunities for all children. Many children leave school for jobs because their family income is low and the extra money is needed for their support. Also many children leave school for work because they become dissatisfied and

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The use of child labor such as this is now illegal under State and Federal law, though some exists.

unhappy with what they get from school. They fall behind, lose interest, and as soon as the law permits, leave school for a job.

Child labor will not end until families have sufficient income for their needs—sufficient to provide themselves a standard of decent living. It is equally important to improve school opportunities, strengthen compulsory school-attendance laws, and improve instruction to meet the abilities and special needs of all pupils.

How did child-labor laws get their start?

Child-labor legislation in the United States is rooted in the American principle that a free people need education. In the early part of the nineteenth century, with the beginnings of the textile industry in New England, manpower was scarce and child labor was cheap. Children of 8 or 9 years or even younger were employed in the mills. They worked for 12 or 13 hours a day or from dawn to dark. Grace Abbott in The Child and the State gives an example of a factory in Connecticut that advertised for boys and girls from 10 to 14; another that wanted "lively boys from 8 to 18." The Baltimore Cotton Manufactory, in the Federal Gazette of Baltimore for January 4, 1808, asked for "a number of boys and girls from 8 to 12 years of age," and urged citizens "having a knowledge of families who have children destitute of employ," to do "an act of Public benefit by directing them to this institution."

For these mill children there was much work and little education. Such schooling as they received was left to the generosity of the mill owners. It was usually obtained in Sunday schools or at night after the long workday.

This lack of education brought the first effort to control child labor by law. In 1813, Connecticut passed a law requiring mill owners to have the children in their factories taught reading, writing, and arithmetic. In 1836, Massachusetts required that children under 15 working in factories attend school for 3 months a year. Other States passed similar laws. This was followed by State laws regulating the hours of work of young children. Massachusetts in 1842 limited children under 12 years of age to 10 hours of work a day. In the same year, Connecticut passed a 10-hour-day law for children under 14. By 1860 a number of States prohibited the employment in factories of children under a certain age, usually under 10 or 12 years.

After the Civil War as business grew and new machines were developed the number of employed children increased. But America was becoming increasingly aware of the results and causes of child labor. In 1881 the American Federation of Labor at its first convention urged complete abolition by the States of the employment of children under 14 in any capacity. The National Consumers League organized in 1899 and the National Child Labor Committee in 1904 aroused public interest in safeguarding working children. Improvements in child-labor laws were made gradually, as the public became more and more aware of child-labor evils.

From the early beginnings requiring first that the child have schooling for a certain number of months, and secondly limiting the hours that the child might work, our present State and Federal child-labor laws have developed. Many citizen groups, including labor unions and women's

"Education in this county is in competition with beans, and beans are winning out." Hearings, 1940.

organizations, have through the years actively supported child-labor legislation and worked for better enforcement of child-labor laws.

Is child labor a serious problem now?

Child labor is still a serious problem, although much progress has been made in controlling it through child-labor laws. It is most likely to be found where cheap labor is wanted, or where employers are careless.

As a result of wartime labor demands nearly three million youth or three times as many boys and girls 14 through 17 years of age were working in the spring of 1945 as were working in 1940. Half of them were in full-time jobs, and the other half in part-time work. About two million of these were 16- or 17-year-olds and about one million were 14 or 15. Many children under 14 were also known to be working. Some of this work was suitable employment, but many boys and girls were working at too young an age, for too long hours, at night, in hazardous jobs or under other undesirable conditions. Much of it was at the sacrifice of education. Now that the war is over, fewer boys and girls under 18 will be employed, but the numbers are likely to remain in the millions.

How is child labor regulated?

Child labor is now regulated by both State and Federal Governments. State child-labor laws were in effect for many years before the Federal Government enacted such legislation. An employer must obey both State and Federal laws that apply to his employees. If Federal and State laws are different, the law that sets the higher standard is the one he must follow.

Many employers are required to comply only with the State child-labor law. This is because Federal child-labor provisions are more limited in application than State child-labor laws. But even with both State and Federal legislation designed to restrict child labor, there are still some kinds of child employment that are not affected by either State or Federal law, or in which the child is not sufficiently protected by these laws.

What Federal laws regulate child labor?

The Federal Government controls child labor mainly through the child-labor provisions of the Fair Labor Standards Act of 1938. This act sets minimum ages for the employment of minors in or about establishments producing goods for shipment in interstate or foreign commerce. These child-labor provisions are administered by the Children's Bureau of the United States Department of Labor. This act also contains provisions relating to wages and hours of work that apply to young and adult workers alike.

In addition, two other Federal acts contain child-labor provisions. The Public Contracts Act requires that any contractor manufacturing or furnishing goods or supplies for the Federal Government in an amount exceeding $10,000 shall agree, as one of the conditions of his contract with the Government, that he will not employ boys under 16 or girls under 18 on such work. This act is administered by the Wage and Hour and Public Contracts Divisions of the United States Department of Labor.

The Sugar Act of 1937, which is administered by the United States Department of Agriculture, provides for payment of benefits to growers of sugar beets and sugarcane who comply with certain conditions. One of these conditions is that such growers do not employ children under 14 years of age in cultivating and harvesting sugar beets or sugarcane and do not employ children between 14 and 16 years of age in such work for more than 8 hours a day. Benefit payments are subject to deduction in case a child is employed or permitted to work contrary to such standards.

What are the child-labor standards of the Fair Labor Standards Act?

The child-labor provisions of the Fair Labor Standards Act set the following minimum ages for the employment of minors in or about establishments producing goods for shipment to other States or to foreign countries:

16 for any employment during school hours;

16 at any time in manufacturing, mining, or processing occupations or in occupations requiring the performance of any duties in work

One of the less regulated types of work that many children work at too early or too late in the day.

Hopping off and on a moving truck may be a lot of fun, but it's a dangerous business for young boys.

rooms or work places where goods are manufactured, mined, or processed;

16 at any time in operation of elevators, or operation of any power-driven machinery, except office machines, and in other specified occupations;

18 in occupations found and declared particularly hazardous by order of the Chief of the Children's Bureau (six such orders have been issued);

14 outside school hours in limited occupations (occupations other than those specifically enumerated as having a 16- or 18-year minimum age), but boys and girls 14 and 15 years of age may be employed only under specified safeguards as to hours and night work.

How do State laws regulate child labor?

Every State has a child-labor law regulating the conditions under which employers may hire children and young people and also a compulsory-school-attendance law, the latter requiring children of certain ages to attend school.

State child-labor laws vary considerably both as to the occupations to which they apply and as to the standards they set up for the employment of children and young people. Some laws apply to all gainful occupations, while other laws exempt agriculture or domestic service, and still others apply only to specified establishments, such as factories or stores.

Children who sell or distribute newspapers, magazines, or other articles on the streets, or work as street bootblacks, are often subject to special street-trades regulations.

These child-labor laws, in general—

- Set a minimum age for employment—an age below which no child may be employed in the occupations or establishments listed in the law. Such a minimum age usually applies to factories and stores, and often to most nonagricultural employment; often it applies also to any employment during school hours.
- Fix a higher minimum age for employment in at least some hazardous occupations, as in operating power-driven woodworking machines or elevators.
- Require that employers obtain employment certificates or work permits for each young worker that they hire.
- Limit maximum hours of work, both daily and weekly.
- Prohibit night work.

Some child-labor laws contain other protective measures, such as that time be allowed young workers for meal periods.

What legal child-labor standards are desirable?

Using the best child-labor laws as a yardstick, the following minimum standards have been accepted as necessary to protect boys and girls:

- A minimum age of 16 years for employment except work outside school hours in certain nonfactory employment at 14 and 15;
- A maximum 8-hour day and a maximum 40-hour, 6-day week for young workers under 18; additional limits on daily and weekly hours of work when combined with school;
- Night work prohibited at least between 6 p. m. and 7 a. m. for boys and girls under 16, and at least between 9 or 10 p. m. and 6 a. m. for those 16 and 17 (or during similar night hours);
- Provision for adequate lunch period;
- Employment certificates required for the employment of minors under 18;
- Employment prohibited under 18 in certain hazardous or injurious occupations and in occupations found and declared hazardous or injurious by the appropriate administrative body.

What are the chief lacks in State child-labor laws?

Although much progress has been made by States toward these standards, the child-labor laws of many States still have serious lacks in

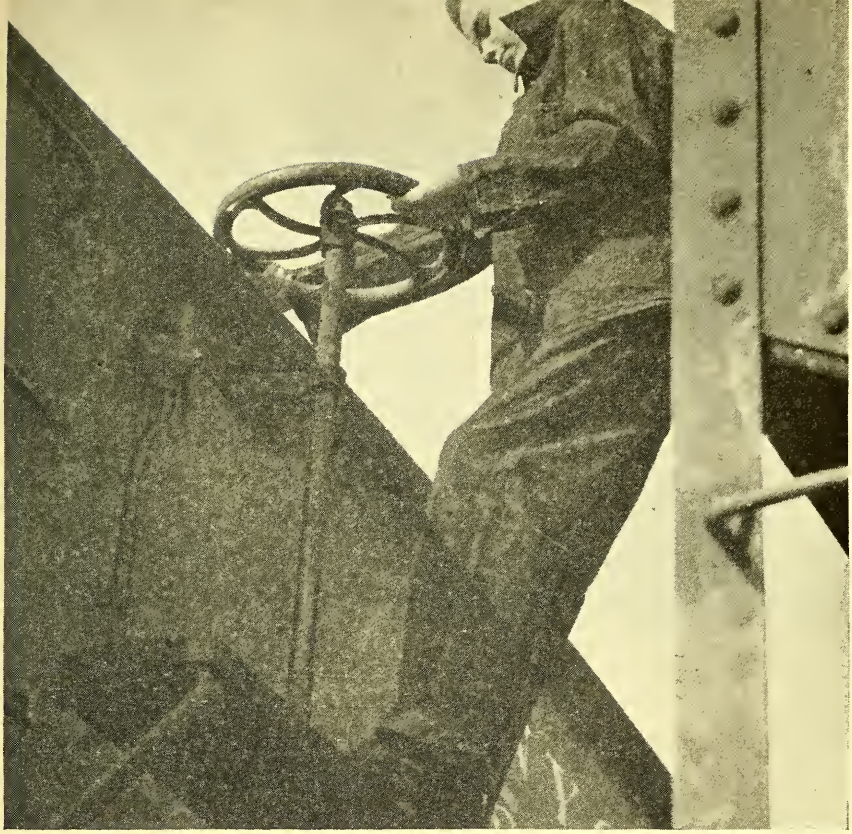
the protection they give. These include the following:

- Few child-labor laws apply to all work of children for hire. Employment in agriculture and domestic service and in street trades is the least regulated.
- Two-thirds of the States set a minimum age for employment of less than 16 years for work during school hours or in manufacturing establishments.
- Though most States prohibit children under 16 from working longer than an 8-hour day, 48-hour week, only 7 States limit the weekly hours of such children to 40 or less. (One State has limited weekly hours for such children to 24.)
- Less than one-fourth of the States limit hours of work added to hours in school for children under 16, and only two give this protection to minors 16 or 17 years of age.
- Less than one-half of the States limit the maximum weekly hours of work of both boys and girls 16 and 17 to 48 or less. Only 2 States set a maximum 40-hour week for such minors, 4 set 44.
- Though nearly all the States have some prohibition against night work for children under 16, half of the States have no prohibitions or practically none affecting either girls or boys 16 and 17 years of age.
- Though all except 5 States require employment certificates for minors under 16, less than one-half of the States require employment certificates for minors 16 and 17 years of age.
- Less than half the States require employers to give both boys and girls time for meal periods during their work day.
- Few State child-labor laws extend adequate protection to minors under 18 years of age from employment in hazardous occupations.

How are child-labor laws enforced?

Child-labor laws are usually enforced:

- *Through spreading information about the provisions of the law.*
- *Through issuance of employment certificates or work permits*, which certify or show that the boys and girls for whom they are issued have met all the requirements of the child-labor law for going to work. These certificates or permits also give the employers permission to employ under legal conditions the young workers named in the certificates. Under most child-labor laws these certificates or permits must be kept on file by the employer during the young worker's employment.



"I've been working on the railroad" may be a popular song but such work is not suitable for boys.

- *Through regular inspection of work places* to see whether young workers are employed in violation of the law. Inspections under State child-labor law are made usually by the State labor departments. Inspections for the enforcement of the Fair Labor Standards Act and the Public Contracts Act are made by the United States Department of Labor; while the Department of Agriculture investigates for compliance with the child-labor conditions set by the Sugar Act.
- *Through investigation of complaints* received from school-attendance officials, labor representatives and other interested citizens who know of children whom they believe to be illegally employed.
- *Through prosecution of employers* where this step is necessary to obtain compliance with the law.

Why should employment certificates be required?

An ounce of prevention is worth a pound of cure. Employment certificates or work permits required as a condition for employment are a means of preventing illegal child labor before it occurs. They are issued

John will get a work permit. He is old enough and physically fit for the job which has been offered.

only for children who have met all the requirements of the child-labor law for going to work. Employers are required to obtain certificates or permits for children in their employ. They thus protect both the employer and the child and are the foundation of a good enforcement program.

Moreover, the certificates make possible some supervision of the child by labor law officials during the first years of his work life. From the certificates issued, the department that enforces the law can find out where young workers are employed and is enabled more easily to see that their working conditions meet those set up by law for their protection. As employment certificates or work permits must be on file in the establishment of the employer they are an aid to the child-labor inspector. By reviewing these certificates he is able to find out the age of any particular minor and the occupation for which he was hired, thus he can determine the legality of the minor's employment.

Of what special value are employment certificates to the child?

Properly issued, a certificate or permit insures that the child enters the job only when he is of legal age and with all the protection the law provides. It serves as his passport to work at a particular job for a particular employer.

Moreover, these permits or certificates provide a link between the child's school and his job. School officials who usually issue the employment certificates, have an opportunity to give help to boys and girls who contemplate dropping out of school for work. Sometimes they may

dissuade them from leaving school or may help them work out arrangements for going to school part time and working part time.

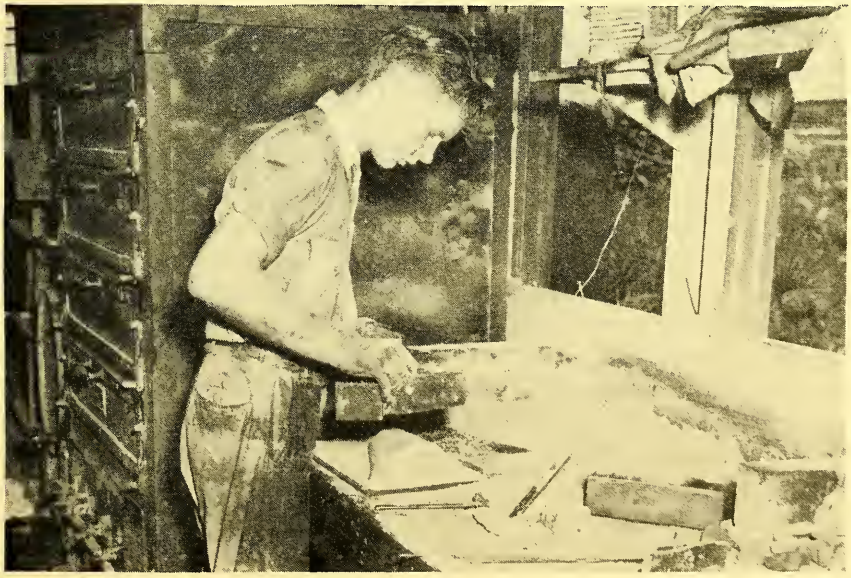
Of what special value are employment certificates to the employer?

Employment certificates or work permits make it possible for the employer to be sure that he obeys the law, that no young worker enters his employment before he is old enough, or until he has met all other requirements of the law for going to work. The employer, assured of the young worker's age and informed of the hours and other conditions under which the boy or girl may legally work, will be in a position to see that his working hours are not excessive and to see that he is not given duties dangerous or hazardous for a person of his age.

Many States issue age certificates for boys and girls above the age for which a certificate or permit is required by law, if the employer or the young worker requests it.

Age and employment certificates or work permits, issued under State child-labor laws, are accepted as proof of age under the child-labor law of the State in which they are issued. They are also accepted as proof of age under the Fair Labor Standards Act. However, 4 States (Idaho, Mississippi, South Carolina, and Texas) do not have State employment-certificate systems. In these 4 States, Federal certificates of age are issued by the Children's Bureau, United States Department of Labor, for use as proof of age.

Too young for foundry work? The factory inspector will check this boy's age when he makes his round.



A 10-year-old cotton picker. Even younger children often work in agriculture from sunup to sundown.

What are the requirements for a certificate?

Certain requirements must be met by both the child and the employer before an employment certificate or work permit is issued. Under the best laws the certificate or permit is issued to an employer, not to the young worker. These working papers are issued usually by the superintendent of schools, thus providing an opportunity for the schools to find out why the child is cutting short his education to go to work and to offer him guidance.

The child must go in person to the office where certificates are issued and apply for a certificate or permit. His parents must consent to his employment. In order to be certain that the employer intends to hire him in accordance with the child-labor law, the child must bring a statement from his prospective employer showing the type of work the employer expects him to do, and the hours that he will work. The child must submit proof that he is of legal age for the job. To prove his age, he must present his birth certificate, or if this is not available, other reliable evidence. Some laws set up other conditions for issuing a certificate. For instance, some require that the child must pass a physical examination showing that he is fit for the intended work, or that he present his school record to prove he has completed a certain grade.

What is the public's place in the picture?

Every citizen can give real assistance in the enforcement of child-labor laws through a better understanding of the purpose of these laws, an awareness of the conditions under which boys and girls work, an insight into the young person's needs, as well as by taking an active interest in the agency that is responsible for enforcement and giving it support.

No law, no matter how good it is, can protect boys and girls unless it is enforced. It is the job of the public agency that is charged with enforcement of the law to see that the law is obeyed. But the agency needs citizen backing and the full support of both labor and management.

- Know your State and Federal child-labor laws.
  Understand their purpose.
  Find out how they are enforced and who enforces them.
- Live up to the laws yourself.
  Encourage others to live up to them.
  Report violations to the agency that enforces the law.
- See that boys and girls have the opportunity in school to find out about the child-labor and other labor laws that protect them.

  See that schools and other community agencies help boys and girls to take full advantage of opportunities for schooling.

  See that boys and girls planning to go to work have wise advice on work opportunities.
- Work for improvement in your child-labor law so that all young workers are safeguarded.

  Work for a strong employment-certificate system—it is the young worker's best safeguard and a protection to the employer.

  Work for strong child-labor law enforcement.

Where may further information about child-labor laws be obtained?

For information regarding the State child-labor laws: Write to the State department of labor, at the State capital, which usually is the agency that enforces State child-labor laws.

For information regarding Federal standards and brief summaries of State laws: Write to the Children's Bureau, United States Department of Labor, Washington 25, D. C.

Sources of photographs: Cover, Library of Congress photograph by John Vachon for OWI; page 2, National Child Labor Committee; page 3, Library of Congress photograph by Marion Post Woolcott for FSA; page 5, Children's Bureau photograph by Philip Bonn; page 6, National Child Labor Committee; page 9, Acme News Pictures, Inc.; page 10, Post-Gazette, Pittsburgh; page 11, National Archives; page 12, Library of Congress photograph by Russell Lee for FSA.

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